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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No: 09/627,796 Confirmation No. 3581  
Date Filed: July 28, 2000  
Application Title: Non-Nucleic Acid Probes, Probe Sets, Method and Kits  
Pertaining To The Detection Of Human Chromosomes X, Y,  
1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18 And 20 As Well As  
13/21 As A Pair  
Applicant: Krishan L. Taneja  
Group Art Unit: 1634  
Examiner: Jehanne Souaya Sitton  
Action Date: January 29, 2004  
Action Type: Second Office Action On Merits -Non-FINAL  
Certified Mail No.: 7003 1680 0001 6779 2254

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**Certificate of Mailing Pursuant to:**  
**37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28<sup>th</sup> day of July 2004.

Brian D. Gildea  
Reg. No. 39,995

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**Reply To Office Action**

Commissioner for Patents  
Dear Sir or Madam:

A petition under 37 C.F.R. § 1.136(a) for an automatic three-month extension of time to reply to the present Office Action has been included with the papers accompanying this submission. With this extension, the due date for response is Thursday, July 29, 2004. Accordingly, please consider the following response to the Office Action mailed on January 29, 2004.

### I. ACTION SUMMARY

Claims 1-45 stand pending in the application. Claims 16-20 and 24-28 stand withdrawn from consideration by the Examiner. Only claims 1-15, 21-23 and 29-45 stand under consideration in this Office Action. Claims 1, 3-11, 13-15, 21-23 and 29-45 stand rejected. Claims 2, 12, 37 and 41 have been objected to but do not stand rejected. No claim stands allowed.

### II. FORMAL MATTERS

The Examiner is thanked for return of the various completed PTO 1449 forms. Regarding the Examiner's comments, the forms having incorrect dates will be checked and possibly resubmitted with corrected dates if the references have already been provided to The Office.

At paragraph 4 of the Office Action, the Examiner notes that various claims have been objected to because they "encompass non-elected inventions". Enclosed with this Office Action response please find a petition under 37 C.F.R § 1.144 or 1.181 requesting that the restriction requirement be withdrawn. Because Applicant continues to challenge the restriction requirement, the claims have not been amended to delete non-elected subject matter. To the extent that The Office issued an election, not restriction, requirement, rejoinder of the non-elected subject matter is requested.